

[Trademarked Costumes in Parades: Phenomenologically Speaking](#)

Blog Post published by [Tiff Graham](#) on Friday, October 6, 2017



Have you thought about character costumes, mascots, or uniforms in parades affiliated with a recognizable brand? It might not be your first thought when seeing a bunch of people in Wonder Woman costumes striking poses, Smokey Bear waving from a truck bed, or a big faux fur bird, bear, or alligator mascot in sports jersey walking with a marching band in a parade. Maybe some people are thinking intellectual property (IP) thoughts of trademarks, copyright, and other legal concerns when seeing any branded entity in a parade, but not me. Yet, my mind veered to these thoughts while watching a recent parade with recognizable LEGO character costumes. I normally focus on the traditional costumes, DIY creations, and costumes where a human person was still visible, versus completely disguised from head to toe. I rarely sought out better photographic moments or interviews with a person wearing the Sparky the fire dog costume, Star Wars Chewbacca costume, or any other recognizable, trademarked character costume affiliated with government, business, corporate or educational institutions in a parade.

So, what better place to start a phenomenological inquiry into my experience with trademarked costumed characters in parades. Before I run you off or build expectations, this blog entry will be an experiment of phenomenological thought, meaning it'll be a roller coaster ride of words and thought associations about my experience with phenomenology, parades, costumes, and...things you can't imagine but somehow burgeoned from this inquiry.

[niseiweek-legoman-signs-littletokyo.jpg](#)



Citation: Tiff Graham. *Trademarked Costumes in Parades: Phenomenologically Speaking*. H-Celebration. 09-07-2018.
<https://networks.h-net.org/node/167585/blog/parade-talk/392141/trademarked-costumes-parades-phenomenologically-speaking>
Licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.

To soften the ride

I wrote a pleasant, experiential piece of persuasive imagery to trigger an eyes, ears, nose, mouth, and umami-experience, but have since decided to smack you with some Husserl vortex speak right off the top. Edmund Husserl, an early 20th century philosopher, considered founder of modern phenomenology, examined the “way things are experienced” and “what meaning it has for the subject” since “all consciousness (all perceptions, memories, imaginings, judgements, etc.) is *about* or *of something*” and involves reference to social, cultural, and other aspects of our world. ¹

It’s challenging to interpret meaning from experience. Though I hope to examine the connections, associations, and ‘reactivation’ of ideas that emerge as I reflect, pre-reflect, and apply reductive “bracketed” thinking to this study of trademarked parade costumes.^{2,3,4}

Early seeds of phenomenological inquiry shaping my experiences

In the early 2000’s I read a phenomenological study of Disneyland experiences titled “A Phenomenologist in the Magic Kingdom: Experience, Meaning, and Being at Disneyland” by H.Peter Steeves in the book *Phenomenological Approaches to Popular Culture*. It explained Disney in a way that was not marketing promotional spin, but rather scrutinized the experience of being a tourist consumer while watching the Main Street Electrical Parade and other constructed events. Steeves examined the experience “in terms of perceptions, illusions, and reality” and made me re-think Disney Main Street and that chocolate eared Mickey Mouse ice cream on a stick. ⁵ That was just my first step into phenomenological waters.

I’ve since discovered diverse versions of phenomenological thought, some texts written by and about Edmund Husserl, Maurice Merleau-Ponty, Martin Heidegger and other texts that utilize phenomenological approaches in education, nursing, psychology, humanities, and other areas of study. Phenomenology, in some ways, reminds me of auto-ethnography and reflexive approaches. It might feel too subjective to some, but it does provide another route to exploring phenomenon, human experiences, in various context. At the end of the blog, you might want to comment on how it might apply to your research, your experiential observations, or whether you think it does or doesn’t offer an insightful approach to this week’s blog topic. An intention for writing the “Parade Talk” blog is always to explore different approaches to the study of parades, processions, promenades, and marches.

[nisei-week-lego-sensei-wu-2017-web.jpg](#)



Again, to orient you to this ride

I'll present some of my references and thoughts about phenomenology, followed by how it could apply to a study of my parade experience with costumes protected by intellectual property rights.

Primer

First, here is a passage from *Phenomenology of Practice* by Max Van Manen (2014) that explains another way of thinking about the phenomenological method:

"Phenomenological method is driven by a pathos: being swept up in a spell of wonder about phenomena as they appear, show, present, or give themselves to us. In the encounter with things and events of the world, phenomenology directs its gaze toward the regions where meanings and understandings originate, well up, and percolate through the porous membranes of past sedimentations— then infuse, permeate, infect, touch, stir us, and exercise a formative and affective effect on our being. Phenomenology is more a method of questioning than answering, realizing that insights come to us in that mode of musing, reflective questioning, and being obsessed with sources and meanings of lived meaning." (Ch. 2 Meaning and Method, Kindle Edition 560-565) ⁶

You may want to explore my footnotes/references on intellectual property (IP) rights, trademark, copyright, fair use, costumes, fandom, popular culture, cosplay and other media that influenced the

writing of this blog entry. However, here are a few basic definitions described by the United States Patent and Trademark Office (www.uspto.gov). Trademarks protect brand names and are usually words, designs, or a combination that relates to logo, product appearance, colors, sound, etc. Copyright protects original artistic/literary work. These are both types of intellectual property (IP) which refers to something created by a person/company.



And “That’s all folks” (Looney Tunes/Warner trademark)

Thinking phenomenologically, has felt like peeling an onion, and I only made it through 2 to 3 layers. Surprisingly, it reminded me of these 6-part crime series’ podcasts, tv shows, and newspaper stories that are popular these days. Just when you think you figured it out, the story twists another direction. Of course, this is only a blog post about family fun, parade costumes, and corporate interests. Or, I like to think of it as an interesting trip where LEGO girl meets Spider-Man, meets Stormtrooper, meets an overthinking brain, while riding on a parade float being chased by an out of control convertible with a pack of princesses on its tail.

FOOTNOTES

1. Shaun Gallagher and Don Zahavi. *The Phenomenological Mind*. New York: Routledge, 2008/2012. 6-7.
2. Edmund Husserl. Translated by J.N. Findlay. *Logical Investigation, Vol. 1. International Library of Philosophy*. Dermot Moran, ed. 2001:186-193.
3. Klaus Held. Translated by Lanei Rodemeyer. “Husserl’s Phenomenological Method” in *New Husserl: A Critical Reader*. Welton, Donn, ed. 2003.
4. Harris M. Berger and G.P. Del Negro. “Bauman’s Verbal Art and the Social Organization of Attention: The Role of Reflexivity in the Aesthetics of Performances.” *American Folklore Society* Vol.115, No. 455, 2002.
5. H. Peter Steeves. “A Phenomenologist in the Magic Kingdom: Experience, Meaning, and Being at Disneyland.” in *Phenomenological Approaches to Popular Culture*. Bowling Green: Bowling Green State University Popular Press, eds. Michael Thomas Carroll and Eddie Tafoya, 2000:165.
6. Max van Manen. *Phenomenology of Practice: Meaning-Giving Methods in Phenomenological Research and Writing (Developing Qualitative Inquiry)* Kindle Edition, 2014: 560-565.
7. *Ibid.*. Kindle Edition, 663.
8. “The RAFU SHIMPO, Los Angeles Japanese Daily News” Nisei Week Special Section B, newspaper, Saturday, August 12, 2017; and Niseiweek.org
9. **Science Fiction / Fantasy conventions, some with parades**
 - San Diego - <https://www.comic-con.org>
 - Salt Lake Comic Con, <http://saltlakecomiccon.com/salt-lake-comic-costume-parade/>
 - Metro US “Photos: Make way for Boston Comic-Con 2015” <http://www.programminglibrarian.org/articles/comic-con-any-other-name-or-how-not-commit-trademark-infringement-your-library-comic-event>
 - Lagos, Nigeria Comic Con. <http://lagoscomiccon.com>
 - Comic-Con Wonder Woman Parade, The San Diego Union-Tribune, <http://www.sandiegouniontribune.com/entertainment/comic-con/sd-pg-comic-con-wonder-woman-20170721-photogallery.html>
 - Annual Dragon-Con Parade. <http://www.dragoncon.org/?q=parade>
10. **Trademark/Copyright/Intellectual Property articles**
 - Susy Frankel. “From Barbie to Renair: Intellectual Property and Culture.” *Victoria University of Wellington Law Review*, June 2010, Vol. 41, p 1-14 (esbcohost.com)
 - Jesse Walker. “Copyright catfight: how intellectual property laws stifle popular culture.” *Reason*, March 2000, Vol. 31, Issue 10, 44-51 (esbcohost.com)
 - Jenny B. Davis. “This lawyer is using her love for ‘Star Wars’ to expand the galaxy of geeks.” *ABA Journal*, December 2015, 1-1, (esbcohost.com)
 - Tom James. “Trademark Liability for Wearing a Costume to Solicit Candy.” Posted 10/31/2015. <http://tomjameslaw.com/blog/the-trademark-risks-of-wearing-a-costume-to-solicit-candy/>
 - Rinat Shangeta. “What’s Halloween Got to do with IP, you say?” *Rutgers University School of Law-Newark*, October 30, 2013 <https://iplrutgers.wordpress.com/2013/10/30/whats-halloween-got-to-do-with-ip-you-say/>
 - Generic Fair Use - where pop culture meets intellectual property law, “Is your Halloween Costume an Infringement?” originally published October 28, 2015 <http://www.law-dc.com/http://www.genericroad.com/2015/11/08/is-your-halloween-costume-an-infringement/>
 - Stacey M. Lantagne. “Sherlock Holmes and the Case of the Lucrative Fandom: Recognizing the Economic Power of Fanworks and Reimagining Fair Use in Copyright.” *Michigan Telecommunications and Technology Law Review*, Spring 2015, Vol.21, 263-315.
 - Erik M. Pelton and Associates. “Non-traditional trademarks: Costumes and Uniforms.” Posted March 19th, 2012 <http://www.erikpelton.com>
 - U.S. Forest Service. Smokey Bear Guidelines, March 2009. https://www.fs.fed.us/fire/prev_ed/smokeybearawards/Smokey_Bear_Guidelines.pdf
 - National Fire Protection Association. Sparky the fire dog. <http://www.nfpa.org/news-and-research/publications/nfpa-journal/2011/sepember-october-2011/features/it-is-a-fire-dogs-life>
 - 11. Jenny B. Davis. “This lawyer is using her love for ‘Star Wars’ to expand the galaxy of geeks.” *ABA Journal*, December 2015, 1-1 (esbcohost.com)
- ADDITIONAL READINGS**
 - Ihde, Don. *Experimental Phenomenology: Multistabilities*. Albany: State University of New York Press, 2012.
 - Keits, Roland. *JAPANAMERICA: How Japanese Culture Has Invaded the U.S.* New York: Palgrave MacMillan, 2007.
 - Lamerichs, Nicole. “Costuming as subculture: The multiple bodies of cosplay.” *Scene*. Volume 2, No.162, 113-125. 2014.
 - Shukla, Pravin. *Costume: Performing Identities Through Dress*. Bloomington, IN: Indiana University Press, 2015.
 - Smith, David Woodruff. “Phenomenology.” *Encyclopedia of Philosophy* 2013 <https://plato.stanford.edu/entries/phenomenology/#Ac>
 - Williams, Rebecca. *Post-object Fandom: television, identity, and self-narrative*. New York/London: Bloomsbury Academic, 2015.
 - Joseph-Witham, Heather. *Star Trek Fans and Costume Art*. Oxford: University Press of Mississippi, 1996.

[PREVIOUS](#) blog entry / [NEXT](#) blog entry

Posted in:

[Parade Talk](#)